

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

Amendment of Section 2.106 of the
Commission's Rules to Allocate
Spectrum at 2 GHz for Use
by the Mobile-Satellite Service)

) ET Docket No. 95-18

DOCKET FILE COPY ORIGINAL

To: The Commission

Comments of The Ericsson Corporation

The Ericsson Corporation, on behalf of itself and affiliated companies (hereinafter collectively referred to as "Ericsson"), by its attorney hereby submits its comments in response to the *Notice of Proposed Rule Making*¹ in the above-captioned proceeding. In support thereof, Ericsson states as follows:

At paragraph 16 of the NPRM, the Commission requests comment "...on whether the proposed new MSS bands should be limited to either exclusive GSO or LEO use; ...or a particular access method, such as CDMA should be mandated for all MSS licensees..."² Ericsson believes the public interest will best be served if the Commission refrains from mandating exclusive GSO or LEO allocations. Similarly, Ericsson believes the public interest will best be served if the Commission refrains from adopting a particular access technology for MSS in the 2 GHz band.

¹ Amendment of Section 2.106 of the Commission's Rules to Allocate spectrum at 2 GHz for Use by the Mobile-Satellite Service, ET Docket No. 95-18, RM-7927, ___ Rcd ___ (released January 31, 1995) (hereinafter "NPRM").

² NPRM at para. 16.

In recent proceedings, the Commission has endeavored to be technology neutral. The Commission has left most technology decisions, including the choice of access technology, to individual licensees. For example, in the allocation for broadband PCS the Commission refused to mandate access technologies, channelization schemes and similar technical matters, fearing that arbitrary rules might inhibit technological innovation or have a chilling effect on services to be offered. Similarly, in the recently released *First Report and Order and Second Notice of Proposed Rule Making* in ET Docket No. 94-32, the Commission proposed to refrain from adopting detailed technical rules for the General Wireless Communications Service proposed for the 4660-4685 MHz band.³ The underlying rational for a market-based regulatory scheme is that system operators are best able to gauge their own needs and those of their subscribers. As long as rules are in place to prevent interference between licensees, the Commission should be as neutral as possible with respect to technology choices.

Ericsson submits the Commission should not adopt rules in this NPRM which require the MSS allocation to be used exclusively for LEO or GSO systems as long as interference between such systems is not created. Also, no single access technology should be selected since the individual licensees will be in a better position to determine the access technology that will best serve the needs of their subscribers. Further, due to the fact that no MSS systems have yet been commercially deployed, it would be premature for government regulators to select a single access technology thus creating a *de jure* technical standard. Selection of one access technology over others will force operators

³ *Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use, First Report and Order and Second Notice of Proposed Rule Making*, ET Docket No. 94-32, __ Rcd __ (released February 17, 1995).

into a technology decision which may prove inefficient.⁴ In establishing new MSS services the FCC should only adopt broad regulations which generally shape the service offering. For example, rules should be adopted which serve to ensure that MSS service is a consumer-based handheld portable service.

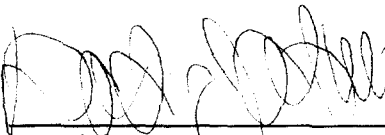
The Commission's MSS allocation will have an international component since the possibility exists for MSS to provide global services. Just as the Commission will license MSS systems, so will the administrations of other nations. The Commission should, to the extent possible, adopt no specific technical regulations at this early stage of development of MSS until the worldwide community of MSS system operators have an opportunity to coordinate such efforts. In the context of international cooperation and the reallocation of spectrum for broadcast auxiliary services, the Commission should maintain, to the greatest extent possible for Region 2, the full amount of spectrum for terrestrial services as

⁴ Some evidence has been adduced which shows that access technologies other than CDMA may be more efficient in the satellite context due to properties of the relevant radio channel and orthogonality/interference considerations.

intended by WARC-92. Thus, Ericsson asserts the public interest would be served by reserving the 2110-2150 MHz band for terrestrial mobile telephony.

Respectfully submitted,

The Ericsson Corporation

A handwritten signature in dark ink, appearing to read 'David C. Jatlow', is written over a horizontal line.

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Its Attorney

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